

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STEPHANIE CLIFFORD a.k.a. STORMY DANIELS,

Plaintiff,

v.

DONALD J. TRUMP,

Defendant.

CASE NO. 1:18-cv-03842

Complaint Filed: April 30, 2018

**PLAINTIFF STEPHANIE CLIFFORD'S EVIDENTIARY OBJECTIONS TO  
DECLARATIONS OF CHARLES J. HARDER IN SUPPORT OF DEFENDANT  
DONALD J. TRUMP'S MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1404(a)  
OR, IN THE ALTERNATIVE, TO DISMISS OR STAY PURSUANT TO THE  
“FIRST-FILED” RULE**

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*Attorneys for Plaintiff Stephanie Clifford*

Plaintiff Stephanie Clifford (“Plaintiff”) hereby objects to the fact declaration of Charles J. Harder as follows:

**OBJECTIONS TO DECLARATION OF CHARLES J. HARDER**

	Citation	Objection	Ruling
1.	<b>Paragraph 3 &amp; Exhibit B:</b> Attached hereto as <b>Exhibit B</b> is a true and correct copy of excerpts from the transcript of Michael Avenatti's interview with Wolf Blitzer on CNN on April 18, 2018, which was obtained from the following URL: <a href="http://edition.cnn.com/TRANSCRIPTS/1804/18/sitroom.01.html">http://edition.cnn.com/TRANSCRIPTS/1804/18/sitroom.01.html</a> .	Exhibit B is irrelevant, Fed. R. Evid. 401, and is hearsay. Fed. R. Evid. 801.	Sustained: ____ Overruled: ____
2.	<b>Paragraph 8 &amp; Exhibit G:</b> Attached hereto as <b>Exhibit G</b> is a true and correct copy of the article entitled, “ <i>EXCLUSIVE: How Stormy Daniels tried to sell story about her one-night-stand with Donald Trump for \$200,000 THREE weeks before the election but worked out a deal with Trump's lawyer Michael Cohen after she got no takers,</i> ” which was published by the <i>Daily Mail</i> on or about March 29, 2018, and obtained from the following URL: <a href="http://www.dailymail.co.uk/news/article-5554437/Stormy-Daniels-tried-sell-story-sex-Trump-200-000-weeks-election.html">http://www.dailymail.co.uk/news/article-5554437/Stormy-Daniels-tried-sell-story-sex-Trump-200-000-weeks-election.html</a>	Exhibit G is irrelevant, Fed. R. Evid. 401, and is hearsay. Fed. R. Evid. 801.	Sustained: ____ Overruled: ____
3.	<b>Paragraph 9 &amp; Exhibit H:</b> Attached hereto as <b>Exhibit H</b> is a true and correct copy of the Declaration of Michael Cohen in Support of the Anti-SLAPP Motion, filed in the First California Action.	Exhibit H is hearsay and inadmissible for the truth of the matter asserted. Fed. R. Evid. 801.	Sustained: ____ Overruled: ____

4.	<p><b>Paragraph 10 &amp; Exhibit I:</b></p> <p>Attached hereto as <b>Exhibit I</b> is a true and correct copy of the article entitled, “<i>So True? So False? Did Donald Trump Cheat on Melania With a Porn Star?!</i>”, which was published by E! News on or about October 12, 2011, and obtained from the following URL: <a href="http://www.eonline.com/news/269058/so-true-so-false-did-donald-trump-cheat-on-melania-with-a-porn-star">http://www.eonline.com/news/269058/so-true-so-false-did-donald-trump-cheat-on-melania-with-a-porn-star</a>.</p>	<p>Exhibit I is irrelevant, Fed. R. Evid. 401, and is hearsay. Fed. R. Evid. 801.</p>	<p>Sustained: ____</p> <p>Overruled: ____</p>
5.	<p><b>Paragraph 11 &amp; Exhibit J:</b></p> <p>At my instruction and under my supervision, associate attorney Theodore Nguyen in my office compiled a list of all television news appearances by Plaintiff and her attorney, Michael Avenatti, between March 6, 2018 and the date of this declaration (May 23, 2018). Mr. Nguyen performed this task by reviewing news organizations’ websites and social media accounts including CNN, ABC, NBC, CBS and others, and compiling a list of each individual appearance, by date. According to Mr. Nguyen’s analysis, Plaintiff and/or her attorney have appeared on no less than <b>130</b> national television news shows, to talk about Plaintiff’s accusations against Mr. Trump and/or the ensuing litigation. The appearances include the interviews by Plaintiff and her attorney with Anderson Cooper on <i>60 Minutes</i> on March 25, 2018, which reportedly was watched by approximately 22 million viewers, and on <i>The View</i> on April 17, 2018. Attached hereto as <b>Exhibit J</b> is the chart that Mr. Nguyen prepared, listing each of the television news appearances. A separate Declaration of Theodore</p>	<p>Exhibit J is irrelevant and misstates the evidence. Fed. R. Evid. 401. It also lacks foundation. Fed. R. Evid. 602.</p>	<p>Sustained: ____</p> <p>Overruled: ____</p>

	Nguyen, attesting to his work, can be prepared and provided to the Court upon request.		
6.	<p><b>Paragraph 12 &amp; Exhibit K:</b></p> <p>Attached hereto as <b>Exhibit K</b> is a true and correct copy of an April 17, 2018 post on the <i>The View's</i> Twitter page, which was obtained from the following URL:  <a href="https://twitter.com/theview/status/986267650463383552?lang=en">https://twitter.com/theview/status/986267650463383552?lang=en</a>.</p>	<p>Exhibit K is irrelevant, Fed. R. Evid. 401, and is hearsay. Fed. R. Evid. 801.</p>	Sustained: __ Overruled: __
7.	<p><b>Paragraph 15 (b) &amp; Exhibit O-Q:</b></p> <p>At present, I am informed and believe that the following potential witnesses in this action reside in the Central District of California (“CDCA”) (all of them full-time, except for Plaintiff who appears to reside in CDCA at least part of the time), and are expected to testify regarding the following subject matters:</p> <p>a. <b>Keith Davidson:</b> I am informed and believe that Mr. Davidson’s principal place of business is in Beverly Hills, California, located within CDCA. Attached hereto as <b>Exhibit O</b> is a true and correct copy of Mr. Davidson’s attorney profile page on the California State Bar website, at URL: <a href="http://members.calbar.ca.gov/fal/Member/Detail/212216">http://members.calbar.ca.gov/fal/Member/Detail/212216</a>. Mr. Davidson is Plaintiff’s former attorney, represented her in connection with the Agreement, and appears to have represented her as recently as January 30, 2018. Attached hereto as <b>Exhibit P</b> is a true and correct copy of the article entitled, “<i>Stormy Daniels Was NOT Under Duress</i></p>	<p>Exhibit P is irrelevant, Fed. R. Evid. 401, and is hearsay. Fed. R. Evid. 801. The statement regarding the anticipated substance of Mr. Davidson’s testimony lacks a proper foundation in personal knowledge. Fed. R. Evid. 602.</p>	Sustained: __ Overruled: __

	<p><i>When Signing Trump Statement, According to Witness,</i>" which was published on March 13, 2018, and obtained at the following URL: <a href="https://theblast.com/stormy-daniels-donald-trump-statement-duress"><u>https://theblast.com/stormy-daniels-donald-trump-statement-duress</u></a>.</p> <p>Attached hereto as <b>Exhibit Q</b> is a true and correct copy of excerpts from the transcript of Mr. Davidson's interview on CNN on April 4, 2018, which was obtained from the following URL: <a href="http://transcripts.cnn.com/TRANSCRIPTS/1804/04/cnnt.02.html"><u>http://transcripts.cnn.com/TRANSCRIPTS/1804/04/cnnt.02.html</u></a>. I am informed and believe that Mr. Davidson may have information that refutes Plaintiff's assertions relating to the formation, execution and performance of the Agreement, the Alleged 2011 Incident, and/or the sketch of the purported perpetrator of the Alleged 2011 Incident.</p>	
8.	<p><b>Paragraph 15 (c) &amp; Exhibits R-S:</b></p> <p>At present, I am informed and believe that the following potential witnesses in this action reside in the Central District of California ("CDCA") (all of them full-time, except for Plaintiff who appears to reside in CDCA at least part of the time), and are expected to testify regarding the following subject matters:</p> <p>....</p> <p>b. <u>Gina Rodriguez</u>: I am informed and believe that Ms. Rodriguez resides in Encino, California, located within CDCA. Attached hereto as <b>Exhibit R</b> is a true and correct copy of Ms. Rodriguez's Twitter page, which was obtained at the following URL:  <a href="https://twitter.com/mzginarodriguez"><u>https://twitter.com/mzginarodriguez</u></a></p>	<p>Exhibits R-S are irrelevant, Fed. R. Evid. 401, and hearsay. Fed. R. Evid. 801. The statement regarding the anticipated substance of Ms. Rodriguez's testimony lacks a proper foundation in personal knowledge. Fed. R. Evid. 602.</p> <p>Sustained: _____  Overruled: _____</p>

	<p>? lang=enMr. Rodriguez. Ms. Rodriguez reportedly is Plaintiff's former manager and represented her in connection with the Agreement, and appears to have represented her as recently as February 2018. Attached hereto as <b>Exhibit S</b> is a true and correct copy of an article entitled, "<i>Stormy Daniels' manager says the porn star 'is going to tell her story'</i>", which was published on February 15, 2018, and obtained at the following URL: <a href="https://www.cnn.com/2018/02/14/politics/stormy-daniels-michael-cohen/index.html">https://www.cnn.com/2018/02/14/politics/stormy-daniels-michael-cohen/index.html</a>. I am informed and believe that Ms. Rodriguez has information that may refute Plaintiff's assertions relating to the formation, execution and performance of the Agreement, the 2011 Alleged Incident and/or the sketch of the purported perpetrator of the 2011 Alleged Incident.</p>		
9.	<p><b>Paragraph 15 (d) &amp; Exhibits T-U:</b></p> <p>At present, I am informed and believe that the following potential witnesses in this action reside in the Central District of California ("CDCA") (all of them full-time, except for Plaintiff who appears to reside in CDCA at least part of the time), and are expected to testify regarding the following subject matters:</p> <p>....</p> <p>c. <u>Anthony Kotzev</u>: I am informed and believe that Mr. Kotzev resides in Encino, California, located within CDCA. Attached hereto as <b>Exhibit T</b> is a true and correct copy of the Twitter page for GiToni Productions, which was obtained at the following URL:</p>	<p>Exhibits T through U are irrelevant, Fed. R. Evid. 401, and hearsay. Fed. R. Evid. 801. The statement regarding the anticipated substance of Mr. Kotzev's testimony lacks a proper foundation in personal knowledge. Fed. R. Evid. 602.</p>	<p>Sustained: <u>      </u></p> <p>Overruled: <u>      </u></p>

	<p><a href="https://twitter.com/GiToniInc">https://twitter.com/ GiToniInc.</a> I am further informed and believe that Mr. Kotzev is Ms. Rodriguez's boyfriend and business partner in GiToni Productions. Attached hereto as <u>Exhibit U</u> is a true and correct copy of the contact page for Gitoni Productions' website, which was obtained at the following URL: <a href="https://www.gitoni.com/contact/">https://www.gitoni.com/contact/</a>. I am informed and believe that Mr. Kotzev has information that may refute Plaintiff's assertions relating to the formation, execution and performance of the Agreement, the Alleged 2011 Incident, and/or the sketch of the purported perpetrator of the Alleged 2011 Incident.</p>		
10.	<p><b>Paragraph 18 &amp; Exhibit V:</b> Attached hereto as <b>Exhibit V</b> is a true and correct copy of an April 27, 2018 post on Michael Avenatti's Twitter page, which was obtained from the following URL: <a href="https://twitter.com/michaelavenatti/status/989974117993639936?lang=en">https://twitter.com/michaelavenatti/status/989974117993639936?lang=en</a>.</p>	<p>Exhibit V is irrelevant, Fed. R. Evid. 401, and is hearsay. Fed. R. Evid. 801.</p>	<p>Sustained: <u>      </u> Overruled: <u>      </u></p>

Dated: August 6, 2018

Respectfully Submitted,

/s/ Catherine R. Keenan  
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